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83-0732/1

29 MAR 1983

83-02640

MEMORANDUM FOR: Acting Director of Central Intelligence

VIA: Executive Director
Associate General Counsel for
Administrative Law Division

FROM: Harry E. Fitzwater
Deputy Director for Administration

SUBJECT: National Security Decision Directive No. 84 -
Existing Policies and Implementation -
Central Intelligence Agency (U)

1. The regulatory issuances of the Central Intelligence Agency have been reviewed to determine their applicability to the implementation of National Security Decision Directive No. 84 - Safeguarding National Security Information, dated 11 March 1983. The regulations cited below are applicable, and appear to place the Agency in compliance with NSDD No. 84:

° NSDD-84, paragraph 1.a., requires that "All persons with authorized access to classified information shall be required to sign a non-disclosure agreement as a condition of access."
(U)

Headquarters Regulation [] Secrecy
Agreements, sets forth policy, responsibilities and procedures governing the execution of secrecy agreements by Agency personnel and associates. Agency secrecy agreements are drafted, reviewed and approved by the Agency's Office of General Counsel, in coordination with the Director of Security, or when cryptographic clearances are involved, with the Director of Communications. With the few exceptions noted in paragraph b of [] a secrecy agreement must be executed by all persons who "require access to classified or classifiable information or material; may be exposed to classified or classifiable information or material by virtue of unescorted access to Agency facilities." (C)

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° NSDD No. 84, paragraph 1.b., requires that "All persons with authorized access to Sensitive Compartmented Information (SCI) shall be required to sign a nondisclosure agreement as a condition of access to SCI and other classified information." (U)

Agency policy with respect to SCI nondisclosure agreements is governed by Director of Central Intelligence "Security Policy Manual for SCI Control Systems," published by the DCI Security Committee on 28 June 1982. In accordance with that manual, the CIA requires that its employees and associates with authorized access sign a Form 4193, "Sensitive Compartmented Information Nondisclosure Agreement." The agreement contains a prepublication review provision. (C)

° NSDD No. 84, paragraph 1.c., requires that "All agreements required . . . must be in a form determined by the Department of Justice to be enforceable in a civil action brought by the United States." The same paragraph directs that the Director, Information Security Oversight Office (ISOO), "shall develop standardized forms that satisfy these requirements." (U)

The enforceability of Agency secrecy agreements for collateral classified materials has been demonstrated in the Frank Snapp case. (U)

The Form 4193, SCI Nondisclosure Agreement, was fully coordinated between CIA and the Department of Justice while under development. It is believed to be enforceable in a civil action brought by the United States. (U)

The matter of standardizing the Form 4193 for use by all U. S. Government agencies is currently under review by the ISOO. (U)

Current CIA-unique secrecy agreements do, either specifically or by reference, contain the provisions required by NSDD No. 84. We are prepared to cooperate with the ISOO in its efforts to develop standardized forms. (C)

° NSDD No. 84, paragraph 1.d., requires that "Appropriate policies shall be adopted to govern contacts between media representatives and Agency

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personnel . . ." and that "All persons with authorized access to classified information shall be clearly apprised of the Agency policies in this regard." (U)

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[] Release of Agency Information to Representatives of the Public Information Media, establishes the Public Affairs Division, Office of External Affairs, as the CIA's focal point for all media inquiries. It directs that classified information will under no circumstances be revealed to the public. The Office of Security is provided with copies of all reports of contacts with the media. (C)

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[] Nonofficial Publications and Oral Presentations by Employees and Former Employees, establishes a Publications Review Board, and policies and procedures for review of nonofficial publications and oral presentations by employees and former employees of this Agency. (C)

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[] Media Briefings, authorizes only unclassified media briefings, and insists on prior Agency review of the materials to be presented. (C)

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[] Appearances of Agency Personnel Before Non-government Groups, is equally specific that all presentations must be reviewed in advance and will be unclassified in nature. (C)

Headquarters Handbook [] Handbook of Required Regulatory Readings, is required reading for all Agency employees when they enter on duty, and annually each October thereafter. It contains specific guidance on Agency security regulations, and includes guidance regarding contacts between Agency personnel and the press. (C)

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° NSDD No. 84, paragraph 2, requires that each agency of the Executive Branch that originates or handles classified information ". . . shall adopt internal procedures to govern the reporting and investigation of unauthorized disclosures of such information." (U)

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[] Compliance With Security Regulations, prescribes CIA policy for such compliance, and defines and identifies responsibilities for investigating and

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reporting violations. The regulation also specifies penalties which may be imposed. The policy exceeds the minimums called for in paragraphs 2.a. through 2.e. of NSDD No. 84.
(C)

The Office of Security has also prepared and coordinated with the Office of General Counsel a proposed Agency regulation on damage assessments. The regulation will provide additional guidance on implementation of the provisions of Executive Order 12356 as they relate to loss or compromise of national security information. (U)

° NSDD No. 84, paragraph 3, requires that "Unauthorized disclosures of classified information shall be reported to the Department of Justice and the Information Security Oversight Office, as required by statute and Executive Orders." (U)

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[REDACTED]

Compliance With Security

Regulations, specifies that appropriate cases will be forwarded to the Department of Justice by the CIA's General Counsel for prosecution under the espionage laws and other pertinent statutes. The Agency also has in force a reporting agreement with the ISOO. We are committed to compliance with statutes and Executive Orders. (C)

° NSDD No. 84, paragraph 5, requires departments and agencies to revise their regulations "... so that employees may be required to submit to polygraph examinations, when appropriate, in the course of investigations of unauthorized disclosures of classified information." (U)

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[REDACTED]

Polygraph, sets forth the CIA's policies, responsibilities and procedures with respect to personnel employed by, assigned to or detailed to the Agency in a staff status, or whose Agency affiliation gives them staff-like access to Agency facilities, operations or information. Included, also, are applicants or candidates for such positions or affiliation. The Agency is already in full compliance with paragraph 5 of NSDD No. 84.
(C)

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° NSDD No. 84, paragraph 6, requests that the Attorney General, in consultation with the Director, Office of Personnel Management, "... establish an interdepartmental group to study the Federal Personnel Security Program and recommend appropriate revisions in existing Executive Orders, regulations and guidelines." (U)

The Office of Security has designated a senior officer to represent the Agency in this effort. His name has been passed to the National Security Council. (U)

2. Attached, for your reference, and appearing in the order in which they are mentioned, are the nondisclosure agreements and extracts of the Agency regulations cited in this memorandum. (U)

3. The Policy and Plans Group of the Office of Security has been designated focal point for matters relating to NSDD, No. 84. They may be contacted on black line [] or red line [] (U)

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Harry E. Fitzwater
Deputy Director
for
Administration

Attachments

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OS/P&M/PPG [] cbt (23 Mar 83)

Revised [] cbt (28 Mar 83)

ORIGINATOR:

28 MAR 1983

Director of Security

Date

Approved For Release 2005/12/14 : CIA-RDP87B01034R000600150006-8

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

NSDD No. 84 - Existing Policies and Implementation -
Central Intelligence Agency

DD/A Registry

83-0732/1

FROM: Harry E. Fitzwater
Deputy Director for Administration
7D24, Hqs.

EXTENSION

NO.

DATE

29 MAR 1983

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TO: (Officer designation, room number, and building)

DATE

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Director of Security
4E60, Hqs.

2.

*OS Reg**3-31*

3.

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

NSDD No. 84 - Existing Policies and Implementation -
Central Intelligence Agency

FROM:

Harry E. Fitzwater
DDA
7D-24, Hdqs.

EXTENSION

NO.

DATE

29 MAR 1983

A Registry

83-0732/11

TO: (Officer designation, room number, and building)

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1. Assoc. General Counsel
for Administrative Law
7C-36, Hdqs.

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S

2.

3. Executive Director
7E-12, Hdqs.

4.

5. A/DCI
7E-12, Hdqs.

6.

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15.

This memorandum is for your information and is intended to show that the Central Intelligence Agency is in full compliance with the various requirements of National Security Decision Directive No. 84, dated 11 March 1983, concerning Safeguarding National Security Information. In accordance with his wishes, Mr. Kenneth de Graffenreid of the National Security Council Intelligence Staff was advised on 25 March 1983 that Agency regulatory issuances have been reviewed and they reflect that we meet the requirements of NSDD No. 84.


 Harry E. Fitzwater

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